

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
January 23, 2012**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:20 A.M. on January 23, 2012 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Joyce A. Hahn, PhD, APRN, NEA-BC; Chairperson
Evelyn Lindsay, LPN
Allison Gregory, RN, LNP
Louise D. Hartz, Citizen Member
Florence Jones-Clarke, RN, MS
Patricia C. Lane, RN, BSN

STAFF PRESENT:

Jodi P. Power, RN, JD; Deputy Executive Director
Gloria D. Mitchell, RN, MSN, MBA; Deputy Executive Director
Krystal Blanton, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Students from St. Mary's School of Practical Nursing; New Horizons Education Center; and Fortis College

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Marie Line Fanor, CNA 1401-102777

Ms. Fanor was not present when the proceeding began.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Leith Ellis, Senior Investigator, Department of Health Professions; Nancy Parker, RN, Assistant Director of Nursing, Elizabeth Adam Crump Manor were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 9:38 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fanor. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 10:07 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Fanor arrived during the closed session. The Board reconvened to allow Ms. Fanor to present her information to the Board.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:08 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Fanor. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:35 A.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing issue an order of reprimand to Marie Line Fanor. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Victoria Tarmoh, CNA 1401-125527**

Ms. Tarmoh appeared.

Olivia Exterovich, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Sharon Squires, Senior Investigator, Department of Health Professions; Sally Spiro, RN Assistant Director of Nursing, Fairfax Nursing Center; and Farah Ali, LPN, Charge Nurse, Fairfax Nursing Center were present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Tarmoh. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:02 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Exterovich and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Hartz moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Victoria Tarmoh for a period of not less than one year with a finding of neglect based on a single incident. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Heather Blevins, CNA 1401-100565**
Ms. Blevins did not appear.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Amy Stewart, Case Manager, Health Practitioners Monitoring Program was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:23 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Blevins. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:30 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Gregory moved that the Board of Nursing indefinitely suspend the nurse aide certificate of Heather Blevins for a period of not less than two years and further, issue an order of reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:35 P.M.

RECONVENTION: The Board reconvened at 2:20 P.M.

FORMAL HEARINGS: **Jennifer L. Pencille, RN Reinstatement Applicant 0001-224403**
Ms. Pencille appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Debra Hay-Pierce, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Pencille. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 3:30 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Gregory moved that the Board of Nursing reinstate the registered nurse license of Jennifer Pencille, indefinitely suspend said license with a stay contingent upon Ms. Pencille's continued compliance with the Health Practitioners Monitoring Program. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Gwendolyn T. Washington, LPN Reinstatement Applicant 0002-066098

Ms. Washington appeared, accompanied by a friend, Jacquelyn Davis.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Kelly Ashley, Senior Investigator, Department of Health Professions; Debra Hay-Pierce, Senior Investigator, Department of Health Professions; Gayle Miller, Senior Investigator, Department of Health Professions; and Valerie Carrell, RN, Nurse Manager, Sentara Norfolk General Hospital were present and testified.

CLOSED MEETING:

Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:32 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Washington. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 4:56 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Lane moved that the Board of Nursing reinstate the practical nurse license of Gwendolyn Washington and further, issue an order of reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Elizabeth M. Robertson, CNA Reinstatement Applicant 1401-123528**
Ms. Robertson did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:20 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Robertson. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:33 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing deny reinstatement of the nurse aide certificate of Elizabeth Robertson and continue her certificate on indefinite suspension. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Jeanie M. Harlow, LPN 0002-062922**
Ms. Harlow did not appear.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Sherelle A. Bradley, court reporter, recorded the proceedings.

Carole Crutchfield Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Lindsay moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 5:54 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Harlow. Additionally, Ms. Lindsay moved that Ms. Power, Ms. Mitchell, Ms. Blanton and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 5:58 P.M.

Ms. Lindsay moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Gregory moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing indefinitely suspend the practical nurse license of Jeanie Harlow for not less than two years. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT: The Board adjourned at 6:00 P.M.

Gloria D. Mitchell, RN, MSN, MBA
Deputy Executive Director